# EXHIBIT "4"

#### IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

JANICE McCOLLUM	)
Plaintiff	)
v.	) Case No. 2:-05-cv-1237-WKW
AMTREN, INC.,	) (JURY DEMAND)
Defendant	)

# SUBPOENA FOR PRODUCTION OF DOCUMENTS PURSUANT TO RULE 45, FEDERAL RULES OF CIVIL PROCEDURE

TO: Workforce of Montgomery, Inc./Walker Personnel ATTN: Custodian of Records 300 Arba Street
Montgomery, AL 36104

You are hereby commanded to do each of the following acts at the instance of the Plaintiff within fifteen (15) days after service of this subpoena:

1. That you produce and permit said Plaintiff to inspect and copy any records including (but not limited to) contracts, forms, notes, and/or copies of correspondence (with attachments and enclosures), invoices, e-mails, or other communications related to the provision of personnel for or with Amtren, Inc. from February 2003 to March 2006. This request specifically excludes, however, any records relating to tax, social security or health information for individual employees.

Such production and copying shall be conducted in the offices of Jimmy Jacobs,

L.L.C., 143 Eastern Boulevard, Montgomery, Alabama 36117, or at such other place as may be mutually agreed upon between you and the parties. You are further advised that other parties to the action in which this subpoena has been issued have the right to be present at the time of such production or inspection.

You have the option to deliver or mail legible copies of the documents requested to the party causing the issuance of this subpoena, but you may condition such activity on your part upon the payment in advance by the party causing the issuance of this subpoena of the reasonable cost of making such copies.

## Please send a certified copy of the records to:

Jimmy Jacobs, Esq. 143 Eastern Boulevard Montgomery, Alabama 36117

Definition of Documents: As used herein, "documents" means and includes all matters within the scope of Rule 34 of the Federal Rules of Civil Procedure, however and by whomever produced or reproduced, in the possession, custody or control of the Custodian of Records, including but not limited to: all letters, telegrams, telexes, cables, telephone records and notations, minutes, bulletins, instructions, advertisements, literature, reports, memoranda, notes, notebooks, drafts, data sheets, work sheets, drawings, agreements, intra-corporate communications, circulars, books, magazines, newspapers, computer programs and data, studies, analyses, comparisons, surveys, memoranda of conversations, sound recordings, photographs, motion picture films, television tapes, video tapes, magnetic or computer tapes, computerized records or information, records or information stored electronically or digitally, diaries, and other written, reported, recorded, or graphic matter and records of information or

communication; and including copies or reproductions of all the foregoing items upon which any matter has been added or included that is not on or a part of the originals.

Federal Rule of Civil Procedure 45 requires the following statement:

## (c) Protection of Persons Subject to Subpoenas.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
  - (i) fails to allow reasonable time for compliance;
  - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be

commanded to travel from any such place within the state in which the trial is held, or

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- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
  - (iv) subjects a person to undue burden.

#### (B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

#### Duties in Responding to Subpoena. (d)

- A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Respectfully submitted,

Attorney for the Plaintiff

OF COUNSEL:

Jimmy Jacobs, LLC 143 Eastern Boulevard Montgomery, AL 36117 (334)215-1788

#### CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served upon counsel of record by placing same in the U. S. Mail, properly addressed and postage prepaid, on this the 14<sup>th</sup> day of November 2006.

#### COUNSEL OF RECORD:

Clifton E. Slaten G. R. Trawick Slaten & O'Connor, P.C. 105 Tallapoosa Street, Ste. 101 Montgomery, Alabama 36104